

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

In Re:

TRINH T. CHAU

Debtor

Chapter 13

Bankruptcy No. 20-12638-PMM

NOTICE OF MOTION, RESPONSE DEADLINE
AND HEARING DATE

Kenneth E. West, Esq., has filed a Motion to Dismiss with the Court.

1. **Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney).**
2. **If you do not want the court to grant the relief sought in the Motion** or if you want the court to consider your views on the Motion, then on or before **05/23/2024** **you or your attorney must file a response to the Motion.** (*see Instructions on next page*).
3. **A hearing on the Motion** is scheduled to be held on **06/06/2024**, at **9:30AM** at **Zoom**. **For Zoom link, see the Hearing Calendar for the Judge on the Court website.** Unless the court orders otherwise, the hearing on this contested matter will be an **evidentiary hearing**.
4. **If you do not file a response to the Motion**, the court may cancel the hearing and enter an order granting the relief requested in the Motion.
5. You may contact the Bankruptcy Clerk's office for Philadelphia cases at (215) 408-2800.
6. If a copy of the motion is not enclosed, a copy of the Motion will be provided to you if you request a copy from the attorney whose name and address is listed on the next page of this Notice.

Filing Instructions

7. **If you are required to file documents electronically by Local Bankruptcy Rule 5005-1,** you must file your response electronically.
8. **If you are not required to file electronically,** you must file your response at
Robert N.C. Nix, Sr. Federal Building and Courthouse
900 Market St.
Suite 400
Philadelphia, PA 19107
9. **If you mail your response** to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated in Paragraph 2 on the previous page of this Notice.
10. On the same day that you file or mail your Response to the Motion, you must mail or deliver a copy of the Response to the movant's attorney:

Kenneth E. West, Esq.
Standing Chapter 13 Trustee
P.O. Box 40837
Philadelphia, PA 19107
Telephone: (215) 627-1377

Date: 05/06/2024

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

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TRUSTEE'S MOTION TO DISMISS PURSUANT TO 11 U.S.C. SECTION 1307

To the Honorable Judges of the United States Bankruptcy Court for the Eastern District of Pennsylvania:

1. Your Movant is Kenneth E. West, Esq. the duly qualified and acting Chapter 13 Trustee in the above-captioned case.
2. The within case was commenced by the filing of a Chapter 13 petition on 06/15/2020.
3. This Motion to Dismiss has been filed for the following reason(s):
 - There has been a material default by debtor(s) with respect to a term of a confirmed plan pursuant to 11 U.S.C. Section 1307 (c)(6).

WHEREFORE, Kenneth E. West, Esq., Standing Chapter 13 Trustee, requests that the Court, after a hearing, enter an Order dismissing this case.

Date: 05/06/2024

Respectfully submitted,

/s/ Kenneth E. West, Esq.

Kenneth E. West, Esq.
Standing Chapter 13 Trustee
P.O. Box 40837
Philadelphia, PA 19107
Telephone: (215) 627-1377

UNITED STATES BANKRUPTCY COURT
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ORDER

AND NOW, upon consideration of the Motion to Dismiss Case filed by Kenneth E. West, Esq., Standing Trustee, and after notice and hearing, it is hereby **ORDERED** that this case is **DISMISSED** and that any wage orders previously entered are **VACATED**.

IT IS FURTHER ORDERED if the case has been confirmed and the Trustee is holding funds, any undisbursed funds held by the Chapter 13 Trustee from payments made on account of the Debtor(s)' plan shall be refunded to the Debtor(s) unless a party in interest files a Motion for Alternative Disbursement within 21 days of the entry of this Order.

Honorable Patricia M. Mayer
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

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CERTIFICATE OF SERVICE

I, Kenneth E. West, Esq., do hereby certify that true and correct copies of the foregoing *Trustee's Motion to Dismiss Pursuant to 11 U.S.C. Section 1307 and Notice of Motion, Response Deadline and Hearing Date Pursuant to Local Bankruptcy Rule 9014-3* have been served this 6th day of May, 2024 by first class mail upon those listed below:

TRINH T. CHAU
943 WOODLAWN AVENUE
PHOENIXVILLE, PA 19460

Electronically via ECF/System ONLY:

CIBIK LAW, P.C.

Office of the United States Trustee
Robert N.C. Nix Federal Courthouse
900 Market Street, Suite 320
Philadelphia, PA 19107

/s/ Kenneth E. West, Esq.

Kenneth E. West, Esq.
Standing Chapter 13 Trustee